

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Bobby Taylor,)	Civil Case No. <u>3:10-713-CMC</u>
)	
Plaintiff,)	[Sumter Civil Action 2010-CP-43-465]
)	
vs.)	NOTICE OF REMOVAL
)	
Knoxville Trucks, Inc., and Tennessee)	
Commerce Bank, and Great American)	
Insurance Group, and Commercial)	
Insurance Services, LLC,)	
)	
Defendants.)	
)	

Pursuant to 28 U.S.C. §§ 1441 and 1446, and Rule 81(c) of the Federal Rules of Civil Procedure, Defendant Great American Assurance Company, incorrectly identified as Great American Insurance Group, (“Defendant” or “Great American”), by and through its undersigned counsel, hereby respectfully requests removal of this action from the Court of Common Pleas in Sumter County, South Carolina, to the United States District Court for the District of South Carolina, Columbia Division. The United States District Court is the proper forum for this action because as a federal court, it has original jurisdiction over this matter pursuant to 28 U.S.C. §1332 (diversity).

In support of this Notice, Great American would respectfully show unto this Honorable Court as follows:

1. On February 25, 2010, Plaintiff Bobby Taylor (“Plaintiff”) filed a Summons and Complaint (Case Number 2010-CP-43-465) in the Court of Common Pleas of Sumter County, South Carolina. True and correct copies of “all process, pleadings, and

orders served upon” Defendant Great American in this action, as required by 28 U.S.C. § 1446(a), are attached as Exhibit A and incorporated herein by reference.

2. Defendant Great American was served with a copy of the Summons and Complaint on Friday, March 5, 2010 by certified mail.

3. Defendant’s response to Plaintiff’s Complaint is due on April 5, 2010.

4. It is alleged in Plaintiff’s Complaint that Plaintiff is a citizen and resident of Sumter County, South Carolina.

5. Upon information and belief, Defendant Knoxville Trucks, Inc. is a corporation organized and existing under the laws of the State of Tennessee. Defendant Knoxville Trucks, Inc.’s principal place of business is in Corryton, Tennessee.

6. Upon information and belief, Defendant Tennessee Commerce Bank is a corporation organized and existing under the laws of the State of Tennessee. Defendant Tennessee Commerce Bank’s principal place of business is in Franklin, Tennessee.

7. Upon information and belief, Defendant Commercial Insurance Services, LLC is a limited liability company organized and existing under the laws of the State of Oklahoma. Defendant Commercial Insurance Services, LLC’s principal place of business is in Oklahoma City, Oklahoma.

8. Defendant Great American is a corporation organized and existing under the laws of the State of Ohio. Defendant Great American’s principal place of business is in Cincinnati, Ohio.

9. Plaintiff is alleging damages for breach of contract, bad faith refusal to pay benefits, fraud and misrepresentation, constructive fraud, and negligent misrepresentation.

10. Upon information and belief, Plaintiff is seeking damages exceeding \$75,000.00, exclusive of interest and costs.

11. Because Plaintiff is a citizen and resident of the State of South Carolina; each Defendant is a corporation organized and existing under the laws of a state other than South Carolina and maintains its principal place of business in a state other than South Carolina; and the alleged amount in controversy exceeds \$75,000.00, diversity of citizenship pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441 provides an independent basis for the State Court action to be removed to this Court.

WHEREFORE, Defendant Great American Assurance Company, incorrectly identified as Great American Insurance Group, respectfully requests that this Court exercise jurisdiction over the Complaint filed by Plaintiff in the Court of Common Pleas in Sumter County, South Carolina (Case Number 2010-CP-43-465), and the claims and causes of action asserted therein pursuant to 28 U.S.C. §1332.

Respectfully submitted,

s/ David A. Anderson

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ATTORNEYS FOR DEFENDANT GREAT AMERICAN
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AS GREAT AMERICAN INSURANCE GROUP

March 19, 2010
Columbia, SC